IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Writ Petition No. 793 of 2005 (S/S)

Naval Kumar Jakhmola & 33 others

……. Petitioners

Versus

1. State of Uttaranchal
   through Labour Secretary
   Uttaranchal Sashan, Dehradun.
2. The Director
   Training & Employment
   Uttaranchal at Haldwani,
   District Nainital.

…… Respondents

None for the petitioners.
Mr. N.P. Sah, Standing Counsel for the respondents.

Hon'ble Prafulla C. Pant, J.

None present for the petitioners.

Learned Standing Counsel is present for the respondents.

2) By means of this writ petition, the petitioners, who are working as Mechanic Electronic Trade/ Instructors on daily wages with various Industrial Training Institutes in the State, have sought their regularization in service.

3) Admittedly, an advertisement has been issued for selection and recruitment of the candidates for the posts of Instructor in various Industrial Training Institutes, situated within the territory of Uttaranchal, as against the posts to be filled by the candidates of the reserved category.

4) In view of the principle of law laid down in ***Secretary State of Karnataka VS. Uma Devi reported in (2006) 4 Supreme Court Cases Pg 01,*** that daily wage workers and the persons employed without undergoing regular selection process under the rules, should not be permitted to be absorbed or regularized in the service, against the Constitutional Scheme of public employment, this Court is not inclined to issue direction to regularise services of the petitioners.

5) The writ petition is dismissed, without prejudice to the rights of petitioners for participating in selection process, provided they are eligible for the same. Interim order dated 23.06.2005, is hereby, vacated. (All pending applications in this Petition also stand disposed of).

(Prafulla C. Pant, J.)

Dt.: November 20, 2006
H.Negi